

Mr. Tankersly then moved the House adjourn until half past 9 o'clock Monday morning; lost.

On motion of Mr. Scott, a bill to provide for the erection of a Treasury and Comptroller's department for the State of Texas, with the amendments of the Senate thereto, was taken up, amendments read and concurred in.

On motion of Mr. Patrick, Senate's bill relating to appeals and writs of error in the 13th Judicial District, was taken up, read, and passed to a second reading.

On motion, rule suspended, bill read second time and passed to a third reading.

On motion, rule further suspended, bill read third time and passed.

On motion of Mr. White, a bill relating to the claims of certain creditors of the late Republic of Texas, was taken up, read, and passed to a second reading.

On motion of Mr. Tankersly, was laid on the table by the following vote:

YEAS—Messrs. Speaker, Cannon, Charlton, Crabb, Crockett, Doom, Edwards, Evans of B., Flanagan, Hardeman of N., A. J. Hood, Jowers, Lott, Neighbors, Randolph, Rossy, Rowe, Runnels, Scott, Sims, Tankersly, Taylor of H., and Thomson—23.

NAYS—Messrs. Andrews, Bee, Bryan of B., Browder, Dagget, Dunlap, Evans of A., Fields, Hamilton, Hardeman of C., Hord, Mabry, Maverick, McFarland, Neal Palmer, Patrick, Stapp, Stewart, Throckmorton, Turner and White—22.

On motion of Mr. Neal, Senate's bill reserving certain territory from location and setting the same aside for Indian purposes for fifteen years, was taken up, read, and passed to a second reading.

Mr. Scott moved to suspend the rule, upon which the yeas and nays were taken, but a quorum not voting.

On motion of Mr. Bee, the House adjourned until nine o'clock Monday morning.

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AUSTIN, Monday, February 7, 1853.

House met—roll called—quorum present.

Absentees: Messrs. Bee, Bryan of B., Crabb, Fields, Flanagan, Hartley, Hord, Patrick, Pollock, Rowe, Taylor of F., Westmoreland and Wren.

Mr. Scott moved to suspend the call of committees; carried.



The committee on Counties and County Boundaries made the following report :

COMMITTEE ROOM, February 7, 1853.

To the Hon. D. C. DICKSON,

*Speaker of the House of Representatives :*

To the committee on County Boundaries have been referred various petitions, bills, &c., that have been requested by those interested to be held back for information, &c., until it is now too late to accomplish anything thereby during the present session.

Your committee, therefore, beg leave to report them back to the House, without any action or recommendation, and ask to be discharged from their further consideration. All of which is respectfully submitted.

J. M. CROCKETT,

Chairman.

Mr. Charlton, chairman of the committee on Private Land Claims, No. 1, returned sundry papers and documents back to the House, which had been referred to that committee, and asked to be discharged from their further consideration.

Mr. McFarland, one of the committee on Private Land Claims, No. 1, returned sundry papers and documents back to the House, and asked to be discharged from their further consideration.

Mr. Fields in the Chair.

A motion was made to suspend the rule in order to take up a joint resolution to authorize the Comptroller of the State to procure Lot No. 5 in Division A, on the government tract adjoining the city of Austin, for a State Cemetery ; lost.

A bill reserving from location certain territory, and setting the same apart for Indian purposes, not having been disposed of when the House last adjourned, again came up for consideration and was read.

When Mr. Runnels proposed the following amendment :

"That the provisions of this bill be confined to that territory lying west and north of the west end of the Wichita mountains," which was laid on the table by the following vote :

YEAS—Messrs. Speaker, Andrews, Bee, Bryan of B., Browder, Cannon, Crockett, Daggett, Dunlap, Evans of B., Evans of A., Fields, Hamilton, Hord, Mabry, Maverick, McDade, McFarland, Neal, Neighbors, Palmer, Patrick, Randolph, Reid, Rossy, Stewart, Tankersly, Tarrant, Taylor of F., Turner and White—31.

NAYS—Messrs. Camp, Charlton, Edwards, Evans of P.,



Flanagan, Hardeman of C., Hardeman of N., Hooker, Jowers, Lawson, Lott, Rains, Rowe, Runnels, Scott, Sims, Speights, Taylor of H., Thomson, Throckmorton, Titus and Wilson—22.

Mr. Browder moved the previous question.

The question being, "Shall the previous question now be taken?" was put and lost by the following vote:

YEAS—Messrs. Speaker, Browder, Cannon, Charlton, Crockett, Dunlap, Evans of B., Evans of P., Mabry, Maverick, Neal, Neighbors, Palmer, Patrick, Randolph, Reid, Rossy, Scott, Stapp, Stewart, Taylor of F., Throckmorton and Turner—23.

NAYS—Messrs. Bee, Bryan of B., Camp, Daggett, Doom, Edwards, Evans of A., Flanagan, Hamilton, Hardeman of C., Hardeman of N., Hooker, Hord, Jowers, Lawson, Lott, McDade, McFarland, Rains, Rowe, Runnels, Sims, Speights, Tankersly, Tarrant, Taylor of H., Thomson, Titus, White and Wren—31.

Mr. Hord then offered the following amendment:

"Nor until the United States shall covenant and agree to restrain the said Indians to the said limits, and in default of such restraint shall indemnify the citizens of this State for all spoliation and damages done upon them by such Indians."

Mr. Browder moved to lay the amendment on the table; lost.

Mr. Runnels then proposed the following amendment to Mr. Hord's amendment:

"And provided that all mines which are or may hereafter be discovered in said territory, shall be open and subject, at all times, to the free use of all citizens of the State of Texas."

Mr. Sims moved to lay the bill and amendments on the table.

On motion, a division of the question was ordered.

The question was then taken upon laying the amendment of Mr. Runnels to the amendment of Mr. Hord, on the table, which was carried by a vote of 34 yeas to 18 nays.

The question of laying the bill on the table was put and lost.

Mr. Hord's amendment was then adopted, and the bill passed to a third reading, by the following vote:

YEAS—Messrs. Speaker, Andrews, Bee, Browder, Bryan of B., Cannon, Dunlap, Evans of B., Evans of A., Evans of P., Fields, Hamilton, Hord, Mabry, Maverick, McDade, McFarland, Neal, Neighbors, Palmer, Patrick, Randolph, Reid, Rossy, Scott, Stapp, Stewart, Tankersley, Tarrant, Taylor of F., Throckmorton, Turner and White—33.



NAYS—Messrs. Camp, Charlton, Daggett, Doom, Edwards, Flanagan, Hardeman of C., Hardeman of N., Hooker, Jowers, Lawson, Lott, Rains, Rowe, Runnels, Sims, Speights, Tarver, Thomson, Titus and Wren—22.

A motion was then made to suspend the rule in order to place the bill upon its final passage, which motion was lost by a vote of 35 yeas to 20 nays.

Mr. Tankersley, chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, February 7, 1853.

To the Hon. D. C. DICKSON,

*Speaker of the House of Representatives:*

The committee on Enrolled Bills have examined the following bills, to wit:

An act supplementary to an act granting to settlers on public domain pre-emption privileges, approved January 22, 1845;

An act to define the time of holding the District Courts in the 3d and 13th judicial districts;

An act supplementary to an act to incorporate the Vicksburg and El Paso Railroad Company;

An act supplementary to an act to establish the Galveston and Red River Railway Company;

An act to provide for the erection of a fire-proof building for a Treasury Department and Comptroller's Office of the State of Texas;

An act granting the use of certain portions of Galveston Bay to the Galveston Dry Dock Company;

An act to be entitled an act to amend an act entitled an act authorizing the county court of El Paso county to appoint the place of holding the district court in said county, and defining the time of holding the district courts in the eleventh judicial district, approved December 24, 1852;

An act to create the county of Hill;

An act to incorporate the city of Brownsville;

An act supplementary to an act entitled an act to provide for the erection of a State Capitol, approved February 14, 1852;

An act for the relief of John Sise and others therein named;

An act to incorporate the Galveston, Houston and Henderson Railroad Company;

An act to limit the boards of land commissioners, and more clearly to define their duties;

An act supplementary to an act to restore lands sold for tax-



es and purchased by the State, to the former owners, approved January 28, 1852, and find the same correctly enrolled.

I am instructed to report that an act relating to the fiscal affairs of the late Republic ;

An act to erect the counties of Cameron, Hidalgo, Starr, Nueces, San Patricio, Webb, Presidio and El Paso into separate land districts ;

Joint resolution relating to volunteers called into the service of the State ;

Joint resolution concerning the public archives of Bexar county ;

An act to incorporate the Marshall Railroad Company ; and,

An act incorporating the town of Richmond, with the signatures of the Speaker and President of the Senate, were this day presented to His Excellency, the Governor, for his approval.

BENJ. F. TANKERSLEY.

The committee on Enrolled Bills have examined an act to define the time of holding the district courts in the ninth judicial district ;

An act authorizing the issuing of duplicate land warrants ; and,

An act regulating railroad companies, and find the same correctly enrolled.

BENJ. F. TANKERSLEY.

Report accepted.

A message was received from the Senate, informing the House that the Senate had adopted the report of the committee of Conference as amended, and had passed a bill to be entitled an act to prescribe the time of holding the district courts in the second judicial district of the State of Texas ; a bill making appropriations for purposes therein named, and had concurred in the amendments offered by the House to a bill to incorporate the Colorado Valley Railroad Company.

Mr. Scott offered the following resolution :

*Resolved*, That the resolution passed at the last regular session of the legislature, allowing to the clerks and officers of the House an extra compensation of one dollar per diem, to be paid out of the contingent fund, be and the same is hereby declared to be in full force and effect, and applicable to this extraordinary session, and that the pay of the reporter be continued to the 7th day of March next.

*Resolved*, That the sum of five dollars per diem, allowed by a resolution passed at the present extraordinary session to Levi Pennington for services as paper folder, be likewise paid out of the contingent fund of the Legislature.



When Mr. Hamilton proposed the following amendment :

"That eighty-one dollars be paid out of the contingent fund of the House of Representatives, for extra services as Sergeant-at-Arms, during the session of 1846, to W. N. Harde-  
man;" accepted.

The committee on County Boundaries made the following report :

Mr. Stapp offered the following resolution :

Whereas, there will remain much unfinished business of great importance to the country, by an adjournment on this day, and that a few more days could be advantageously occupied by the legislature: therefore,

*Resolved*, the Senate concurring, that the resolution to adjourn on this day, (Monday) the 7th, be rescinded, and that the two Houses will adjourn *sine die* on Monday, the 14th day of February; rejected.

Mr. Bryan of Brazoria offered the following resolution :

*Resolved*, That the two Houses, (the Senate concurring), will go into an election at half-past 3 o'clock, this afternoon, for commissioners under an act relating to the rivers.

Mr. Neighbors, chairman of the committee appointed to wait upon His Excellency, the Governor, and inform him that the two Houses of the Legislature would adjourn *sine die* to-day, reported duty performed, and that His Excellency returned for answer that he had no further communication to make to the Legislature.

The question was then on the adoption of the resolution of Mr. Bryan of Brazoria.

When a call of the House was ordered and made.

After which, the call was suspended.

Mr. Scott then moved to lay the resolution on the table.

A call of the House was moved and rejected.

A motion for the previous question was made, upon which the yeas and nays were taken and stood thus :

YEAS—Messrs. Speaker, Andrews, Bryan of B., Browder, Cannon, Charlton, Crockett, Dunlap, Edwards, Evans of A., Evans of P., Fields, Hamilton, Mabry, Maverick, McDade, McFarland, Neal, Neighbors, Palmer, Patrick, Randolph, Reid, Rossy, Scott, Stapp, Stewart, Tankersly, Tarrant, Taylor of F., Thomson, Throckmorton, Turner and White—34.

NAYS—Messrs. Camp, Daggett, Doom, Flanagan, Harde-  
man of N., Hooker, Hord, Jowers, Lawson, Lott, Rains,  
Rowe, Runnels, Sims, Speights, Taylor of H., Titus and Wren  
—18.



The main question being the passage of the resolution, the yeas and nays were taken thereon and stood thus :

YEAS—Messrs. Speaker, Bee, Bryan of B., Browder, Cannon, Crockett, Daggett, Dunlap, Evans of B., Evans of A., Evans of P., Fields, Flanagan, Hamilton, Hord, Mabry, Maverick, McDade, McFarland, Neal, Neighbors, Palmer, Patrick, Randolph, Reid, Rossy, Scott, Stapp, Stewart, Tankersly, Tarrant, Taylor of F., Thomson, Throckmorton and Turner—35.

NAYS—Messrs. Camp, Charlton, Doom, Edwards, Hardeman of C., Hardeman of N., Hooker, Jowers, Lawson, Lott—10.

Mr. White in the Chair.

Mr. Evans of Polk offered the following resolution :

*Resolved*, That the subscription of the House to the South-Western American be continued for twelve numbers, provided that the debates be published in full, as returned by the reporter; and for the tri-weekly Gazette until the journals and laws are published, to be paid out of the contingent fund of the legislature. Adopted.

On motion of Mr. Hamilton, a bill to legalize certain acts of the Treasurer, was taken up, read second time and ordered to be engrossed.

On motion, rule suspended, bill read third time and passed.

On motion of Mr. Scott, a bill making appropriations for purposes therein named, with amendments, was read and amendments concurred in.

On motion of Mr. Jowers, a bill for the ascertainment of the outstanding liabilities of the late Republic of Texas, was taken up.

Mr. Palmer moved to adjourn until half-past 3 o'clock, P. M.; lost.

Mr. Doom moved a reconsideration of the vote adopting the substitute.

Mr. Browder moved a call of the House; refused.

The question then being upon the motion of Mr. Doom to reconsider, was put and carried.

Bill read first time and passed to a second reading.

A motion was then made to adjourn until 3 o'clock; lost.

On motion of Mr. Scott, the substitute was laid on the table.

Mr. Scott then proposed the following amendment to the bill :

Strike out the words "for money," and insert "for personal, civil or military, and for supplies."

Strike out "October, 1853," and add "for the term of eighteen months from the passage of this act;" adopted.



Mr. Cannon moved a call of the House; lost.

Mr. Jowers moved a suspension of the rule in order that the bill might be read third and last time, upon which the yeas and nays were taken and stood thus:

[Not in manuscript journals.]

The committee on Enrolled Bills made the following report:

COMMITTEE ROOM, February 7, 1853.

Hon. D. C. DICKSON,

*Speaker of the House of Representatives:*

The committee on Enrolled Bills instruct me to report that the following acts, originating in the House, have been examined, and the same were this day presented to His Excellency, the Governor, for his approval:

An act to define the time of holding the district courts in the ninth judicial district;

An act authorizing the issuing of duplicate land warrants;

An act supplementary to an act providing for the erection of a State Capitol;

An act incorporating the city of Brownsville;

An act authorizing the county court of El Paso county to define the time of holding the courts of said county;

An act for the relief of certain persons therein named;

An act to create the county of Hill;

An act supplementary to an act to restore lands sold for taxes;

An act limiting boards of land commissioners and defining their duties;

An act incorporating the Vicksburg and El Paso Railroad Company;

An act to establish the Galveston and Red River Railway Company;

An act supplementary to an act granting preemption privileges to settlers on public lands;

An act to provide for the erection of a building for a State Treasury and Comptroller's Office;

An act to define the time of holding the district courts in the third judicial district;

An act granting the use of certain portions of Galveston Bay to the Galveston Bay Dry Dock Company;

An act to regulate companies; and,

An act incorporating the Memphis, El Paso and Pacific Railroad Company.

BENJ. F. TANKERSLEY.



Report accepted.

On motion, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

A bill to extend the provisions of an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20, 1848, not having been disposed of when the House adjourned, again came up for consideration.

Question pending upon the final passage of the bill, upon which the yeas and nays were taken and stood thus: yeas, 35; nays, 17.

A message was received from the Senate, informing the House that the Senate had passed a bill making an additional appropriation for a contingent fund, and a bill prohibiting assessors and collectors from exercising their official functions before they are qualified.

The Senate have concurred in the amendments of the House to a bill to extend the provisions of an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20, 1848, and a bill confirming the acts of J. H. Raymond, State Treasurer.

Mr. Tarver offered the following resolution:

*Resolved*, That the Speaker of the House of Representatives be requested and authorized to sign the bill to incorporate the New Orleans, Opelousas and Texas Railway Company, as it was enrolled by the Enrolling Clerk of the House and reported by the committee on Enrolled Bills, and not otherwise.

Resolution laid on the table by a vote of 25 yeas to 20 nays.

A message was received from the Senate, through Senator Taylor, informing the House that the Senate had completed their labors and were now ready to adjourn.

On motion, a committee was raised, consisting of Messrs. Neighbors, Tarver and Flanagan, to wait on the Senate and inform that body that the House of Representatives had completed their labors and were now ready to adjourn *sine die*.

Mr. Neighbors offered the following resolution, which was laid on the table:

*Resolved*, That the chairman of the committee on Enrolled Bills be requested to submit to this House the corrected copy of the enrolled bill granting a charter to the New Orleans, Opelousas and El Paso Railroad Company, for its consideration.



Mr. Tankersley, chairman of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, February 7, 1853.

To the Hon. DAVID C. DICKSON,

*Speaker of the House of Representatives :*

The committee on Enrolled Bills have examined the following bills, and find the same correctly enrolled :

An act confirming the acts of J. H. Raymond, State Treasurer ; and,

An act supplementary to an act to prohibit assessors and collectors of taxes from exercising official functions before they are duly qualified, approved September 5, 1840.

BENJ. F. TANKERSLEY.

Report accepted.

Mr. Taylor of Harrison, one of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, February 7, 1853.

To the Hon. DAVID C. DICKSON,

*Speaker of the House of Representatives :*

The committee on Enrolled Bills have examined an act to establish the New Orleans, Texas and Pacific Railroad Company, for the extension of the New Orleans, Opelousas and Great Western Railroad through Texas, and it is correctly enrolled.

JOSEPH TAYLOR,

One of the committee.

Upon the acceptance of which the yeas and nays were called, and upon being taken, it appearing that a quorum had not voted,

On motion, the House adjourned until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

House met—roll called.

Mr. Neighbors offered the following resolution, which was unanimously adopted :

*Resolved*, That the thanks of this House be, and the same are hereby tendered to the Hon. David C. Dickson, for the able, impartial and dignified manner in which he has discharged the duties of Speaker, for the present extra session.

On motion of Mr. Bryan of Brazoria, the House adjourned *sine die*.



NOTE.—The following report, as will be seen by its date, was handed to the Speaker on the day after the adjournment, and by his direction is published, to go to the country:

COMMITTEE ROOM, February 8, 1853.

Hon. DAVID C. DICKSON,

*Speaker of the House of Representatives.*

The undersigned, one of the committee on Enrolled Bills, to whom was referred an act to establish the New Orleans, Texas and Pacific Railroad Company, for the extension of the New Orleans, Opelousas and Great Western Railroad through Texas, beg leave to report the same as being correctly enrolled.—  
Respectfully submitted.

B. B. CANNON,  
One of the committee.

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